

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ROGER M. WILLIAMS,

Petitioner,

vs.

STATE OF WASHINGTON,

Respondent.

NO. CV-07-5062-CI

ORDER ADOPTING REPORT AND
RECOMMENDATION AND DISMISSING
PETITION

Magistrate Judge Imbrogno filed a Report and Recommendation on November 2, 2007, recommending Mr. Williams's Petition be dismissed without prejudice to fully exhaust his state court remedies. The court also recommended Petitioner's claims under 18 U.S.C. § 242 be dismissed with prejudice. There being no objections, the court **ADOPTS** the Report and Recommendation.

IT IS ORDERED the Petition is **DISMISSED without prejudice**. See *Castro-Cortez v. INS*, 239 F.3d 1037, 1047 (9th Cir. 2001), *abrogated on other grounds*, *Fernandez-Vargas v. Gonzales*, ___ U.S. ___, 126 S.Ct. 2422, 2427 (2006). **IT IS FURTHER ORDERED** Petitioner's claims under 18 U.S.C. § 242 are **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, enter judgment, forward copies to Petitioner at his

1 last known address and close the file.

2 **DATED** this 4th day of January 2008.

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4 s/ Fred Van Sickle

5 FRED VAN SICKLE
6 UNITED STATES DISTRICT JUDGE
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